

TOWN OF ROCKY MOUNTAIN HOUSE  
BYLAW NO 2024/06

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A Bylaw of the Town of Rocky Mountain House to establish the position of Chief Administrative Officer under the authority of section 205 of the *Municipal Government Act*, RSA 2000, c M-26, as amended.

**WHEREAS** Section 205 of the *Municipal Government Act* requires that Council establish a position of chief administrative officer by bylaw;

**AND WHEREAS** Council deems it expedient and advisable to delegate certain powers, duties and functions to the chief administrative officer;

**NOW THEREFORE** Council duly assembled enacts the following:

**1. TITLE**

1.1. This Bylaw may be cited as the "Chief Administrative Officer Bylaw".

**2. DEFINITIONS**

2.1. In this Bylaw:

- a. "Act" means the *Municipal Government Act*, RSA 2000, c M-26, as amended or replaced;
- b. "Bylaw" means Town of Rocky Mountain House Bylaw No 2024/03;
- c. "Chief Administrative Officer" means the individual appointed by Council to the position of chief administrative officer under section 205 of the Act and pursuant to this Bylaw;
- d. "Council" means the council of the Town;
- e. "Employee" means an individual who provides services to the Town under an employment agreement, under a collective agreement, or in the capacity of agent, student or volunteer, and includes an independent contractor;
- f. "Mayor" means the chief elected official of the Town; and
- g. "Town" means the municipal corporation of the Town of Rocky Mountain House.

### **3. APPOINTMENT**

- 3.1. The position of Chief Administrative Officer is hereby established.
- 3.2. Council shall, by resolution, appoint an individual to the position of Chief Administrative Officer.
- 3.3. Council shall establish the terms and conditions of the appointment of the Chief Administrative Officer including:
  - a. the term of the appointment; and
  - b. the salary and benefits to be paid or provided to the Chief Administrative Officer.
- 3.4. Council may, by resolution, appoint an individual to act in the Chief Administrative Officer position if the Chief Administrative Officer is absent for a period of time longer than one month, is incapacitated, or is otherwise prevented from fulfilling the role of the Chief Administrative Officer.
- 3.5. If the Chief Administrative Officer will be absent for a period of time less than one month, the Chief Administrative Officer may appoint a person to act in the Chief Administrative Officer position for the duration of the absence.

### **4. GENERAL POWERS, DUTIES AND FUNCTIONS**

- 4.1. The Chief Administrative Officer has:
  - a. all of the powers, duties and functions that are given to a Chief Administrative Officer under the Act or any other enactment;
  - b. all of the powers, duties and functions that are given to a designated officer under the Act or any other enactment; and
  - c. all of the powers, duties and functions that are given to the Chief Administrative Officer under this Bylaw or any other Town bylaw, resolution, policy or procedure.
- 4.2. Council may delegate its powers, duties or functions to the Chief Administrative Officer in accordance with section 203 of the Act.
- 4.3. The Chief Administrative Officer may delegate any of the Chief Administrative Officer's powers, duties or functions, including the power to further delegate those powers, duties or functions, to a designated officer or Employee.
- 4.4. The Chief Administrative Officer must either personally carry out the duties and functions that are given to the Chief Administrative Officer or delegate such duties and functions to a designated officer or Employee.

## **5. ADMINISTRATIVE POWERS, DUTIES AND FUNCTIONS**

- 5.1. The Chief Administrative Officer is responsible for the administration of the Town, including personnel, financial and other related matters as permitted by the Act.
- 5.2. The Chief Administrative Officer may:
  - a. establish administrative policies, procedures, standards and guidelines;
  - b. establish administrative and operational plans, goals and performance measures; and
  - c. conduct audits, investigations and studies of the Town's operations.
- 5.3. The Chief Administrative Officer is authorized to temporarily close the whole or a part of a road at any time that a construction or maintenance project on or adjacent to the road may create a hazard.

### *Council*

- 5.4. The Chief Administrative Officer is responsible for advising on and communicating with Council with respect to:
  - a. the operations of the Town;
  - b. the financial condition of the Town;
  - c. Council policies and procedures;
  - d. administrative policies and procedures; and
  - e. any other information as required by Council.
- 5.5. The Chief Administrative Officer shall prepare and submit to Council such reports and recommendations and answer such inquiries as required by Council.
- 5.6. The Chief Administrative Officer shall attend all meetings of Council and of such other boards, commissions, authorities or other bodies as required by Council.

### *Personnel*

- 5.7. The Chief Administrative Officer may establish the organizational structure of the administration of the Town, including establishing, merging, dividing, consolidating, and eliminating positions or departments.

- 5.8. The Chief Administrative Officer shall supervise all departments and Employees of the Town.
- 5.9. Subject to any applicable legislation, policy or agreement binding the Town, the Chief Administrative Officer may:
  - a. hire, appoint, transfer, or promote any Employee;
  - b. evaluate, discipline, suspend, demote or remove any Employee; and
  - c. determine the salary rates or other earnings for any Employee.

#### *Members of the Public*

- 5.10. The CAO is the head of the Town for the purposes of the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c F-25, as amended.
- 5.11. The Chief Administrative Officer shall ensure the prompt and proper handling of all requests, inquiries, and complaints by members of the public and may develop policies and procedures for dealing with complaints.

#### *External Bodies*

- 5.12. The Chief Administrative Officer shall act as the liaison between the Town and external governments, boards, commissions, authorities and other bodies.
- 5.13. The Chief Administrative Officer shall act as the liaison between the Town and the commanding officer of the RCMP detachment for the Town.

## **6. FINANCIAL POWERS, DUTIES AND FUNCTIONS**

- 6.1. The Chief Administrative Officer shall:
  - a. annually, or as otherwise required or directed by Council, prepare and submit an annual operating and capital budget;
  - b. monitor and report to Council, as required or directed by Council, on the operating and capital budgets approved by Council, including on the variances between budgeted and actual expenditures; and
  - c. prepare and submit to Council revenue and expenditure reports, as required or directed by Council.
- 6.2. The Chief Administrative Officer shall:
  - a. ensure that accurate records and accounts are kept of the financial affairs of the Town;

- b. designate the financial institutions to be used by the Town; and
  - c. open and close accounts that hold the Town's money.
- 6.3. The Chief Administrative Officer is authorized to invest funds on behalf of the Town in accordance with the provisions of the Act.
- 6.4. The Chief Administrative Officer may authorize expenditures, provided that the Chief Administrative Officer may not authorize cumulative expenditures in excess of the approved operating and capital budgets.
- 6.5. In cases of emergency, as determined by the Chief Administrative Officer, the Chief Administrative Officer may expend monies for the emergency that are not in an approved operating and capital budget and shall, as soon as practicable, report to Council on those expenditures.

## **7. LEGAL POWERS, DUTIES AND FUNCTIONS**

### *Legal Documents*

- 7.1. The Chief Administrative Officer may negotiate and enter into contracts, agreements and transactions that are, as determined by the Chief Administrative Officer, required for the effective operation of the Town.
- 7.2. The Chief Administrative Officer is authorized to sign:
- a. along with the person presiding at the meeting, all minutes of Council meetings,
  - b. along with the Mayor, all bylaws, and
  - c. all agreements, cheques and other negotiable instruments as per the Signing Authority Policy as amended or replaced from time to time.
- 7.3. The Chief Administrative Officer is authorized to direct that the signatures of the Chief Administrative Officer, Mayor, designated officers, or Employees with delegated signing authority be printed, lithographed or otherwise reproduced.
- 7.4. The Chief Administrative Officer is responsible for providing certificates, notices, decisions, statutory declarations and any other documents on behalf of the Town as provided or required by the Act.

### *Legal Counsel and Proceedings*

- 7.5. The Chief Administrative Officer is authorized to:
- a. accept service of notices and other documents on behalf of the Town;

- b. retain and instruct legal counsel on matters involving any actual or potential legal or administrative proceedings involving the Town;
- c. compromise all actions, claims or demands against or by the Town and complete all related documentation; and
- d. pay any amounts the Town is legally required to pay pursuant to an order or judgment of a court, board or other tribunal having jurisdiction over an action, claim or demand against or by the Town.

### *Compliance and Enforcement*

- 7.6. The Chief Administrative Officer is authorized to make determinations and issue orders pursuant to the Act or any other enactment or bylaw that the Town is authorized to enforce.
- 7.7. The Chief Administrative Officer shall carry out inspections, remedies and enforcement pursuant to the Act, where the Act or any other enactment or bylaw requires anything to be inspected, remedied, enforced, or done by the Town.

## **8. ACCOUNTABILITY**

- 8.1. The Chief Administrative Officer shall be accountable to Council for the exercise of all powers, duties and functions delegated to the Chief Administrative Officer by the Act, this Bylaw, any other enactment, any other bylaw, and any resolutions, policies or procedures adopted by Council from time to time whether such powers, duties and functions are exercised by the Chief Administrative Officer personally or by the Chief Administrative Officer's delegate.
- 8.2. The Chief Administrative Officer shall carry out his or her powers, duties and functions in accordance with:
  - a. the Act;
  - b. this Bylaw;
  - c. any other enactment;
  - d. any other bylaw, resolution, policy or procedure passed or adopted by Council; and
  - e. any contract binding on the Town.

**9. CONFLICT OF LAWS**

- 9.1. The provisions of this Bylaw shall prevail in any case where there is a conflict between this Bylaw and any previous bylaw or resolution of Council.
- 9.2. If any provision of this Bylaw is declared invalid by a court of competent jurisdiction, all other provisions remain valid.

**10. COMING INTO FORCE**

- 10.1. Bylaw No 09/08V is hereby repealed.
- 10.2. This Bylaw shall come into force and effect after third reading and upon being signed.

READ A FIRST TIME THIS 20<sup>th</sup> DAY OF FEBRUARY, 2024.

READ A SECOND TIME THIS 20<sup>th</sup> DAY OF FEBRUARY, 2024.

UNANIMOUS CONSENT FOR THIRD READING THIS 20<sup>th</sup> DAY OF FEBRUARY, 2024.

READ A THIRD TIME AND SIGNED THIS 20<sup>th</sup> DAY OF FEBRUARY, 2024.

Redacted under Section 17 of the FOIP Act.

Debbie Baich, MAYOR

Redacted under Section 17 of the FOIP Act.

Dean Krause, CAO